

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

ABN AMRO NOMINEES (ISLE OF MAN)
LIMITED, f/k/a ABN AMRO Fund Services (Isle
of Man) Nominees, and f/k/a Fortis (Isle of Man)
Nominees Limited, and PLATINUM ALL
WEATHER FUND LIMITED.

Defendants.

Adv. Pro. No. 12-01697 (CGM)

**ORDER DENYING DEFENDANT ABN AMRO NOMINEES (ISLE OF MAN)
LIMITED'S MOTION TO DISMISS COMPLAINT**

ABN AMRO Nominees (Isle of Man), f/k/a ABN AMRO Fund Services (Isle of Man)
Nominees Limited, and f/k/a Fortis (Isle of Man) Nominees Limited ("Defendant") filed a motion

to dismiss the Second Amended Complaint (the “Complaint”) under Bankruptcy Rule 7012(b) and Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6) (the “Motion”) on January 12, 2023. The parties stipulated to rest on their papers and limit oral argument on the Motion to the issue of mere conduit on May 9, 2023. The Motion came on for hearing before the Court on May 17, 2023 (the “Hearing”). The Court has considered the Motion, the papers filed in support of and in opposition to the Motion, the Complaint, and the statements of counsel at the Hearing, and the Court has issued a memorandum decision, dated June 12, 2023, regarding the Motion (the “Decision”). Based on the record in this adversary proceeding, including the Decision, **IT IS ORDERED:**

1. The Motion to dismiss the Complaint is denied.
2. The deadline for Defendant to file an answer to the Complaint is August 25, 2023.
3. The Court shall retain jurisdiction to implement or enforce this Order.

Dated: June 20, 2023
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge